

1 [Planning Code - Landmark Designation - 396-398 12th Street (San Francisco Eagle Bar)]

2

3 **Ordinance amending the Planning Code to designate 396-398 12th Street (aka San**  
 4 **Francisco Eagle Bar), Assessor's Parcel Block No. 3522, Lot No. 014, as a Landmark**  
 5 **consistent with the standards set forth in Article 10 of the Planning Code; affirming the**  
 6 **Planning Department's determination under the California Environmental Quality Act;**  
 7 **and making public necessity, convenience, and welfare findings under Planning Code,**  
 8 **Section 302, and findings of consistency with the General Plan, and the eight priority**  
 9 **policies of Planning Code, Section 101.1.**

10 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
 11 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
 12 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
 13 **Board amendment additions** are in double-underlined Arial font.  
 14 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
 15 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
 16 subsections or parts of tables.

14

15 Be it ordained by the People of the City and County of San Francisco:

16

17 Section 1. Findings.

18

(a) CEQA and Land Use Findings.

19

(1) The Planning Department has determined that the Planning Code  
 20 amendment proposed in this ordinance is subject to a Categorical Exemption from the  
 21 California Environmental Quality Act (California Public Resources Code Sections 21000 et  
 22 seq., "CEQA") pursuant to Section 15308 of California Code of Regulations, Title 14, Sections  
 23 15000 et seq., the Guidelines for implementation of the statute for actions by regulatory  
 24 agencies for protection of the environment (in this case, landmark designation). Said  
 25

25

1 determination is on file with the Clerk of the Board of Supervisors in File No. 210734 and is  
2 incorporated herein by reference. The Board of Supervisors affirms this determination.

3 (2) Pursuant to Planning Code Section 302, the Board of Supervisors finds that  
4 the proposed landmark designation of 396-398 12th Street (Assessor's Parcel Block No.  
5 3522, Lot No. 014 ("San Francisco Eagle Bar"), will serve the public necessity, convenience,  
6 and welfare for the reasons set forth in Historic Preservation Commission Resolution No.  
7 1191, recommending approval of the proposed designation, which is incorporated herein by  
8 reference.

9 (3) The Board of Supervisors finds that the proposed landmark designation of  
10 396-398 12th Street is consistent with the General Plan and with Planning Code Section  
11 101.1(b) for the reasons set forth in Historic Preservation Commission Resolution No. 1191.

12  
13 (b) General Findings.

14 (1) Pursuant to Charter Section 4.135, the Historic Preservation Commission  
15 has authority "to recommend approval, disapproval, or modification of landmark designations  
16 and historic district designations under the Planning Code to the Board of Supervisors."

17 (2) The Landmark Designation Fact Sheet was prepared by Planning  
18 Department Preservation staff. All preparers meet the Secretary of the Interior's Professional  
19 Qualification Standards for historic preservation program staff, as set forth in Code of Federal  
20 Regulations Title 36, Part 61, Appendix A. The report was reviewed for accuracy and  
21 conformance with the purposes and standards of Article 10 of the Planning Code.

22 (3) The Historic Preservation Commission, at its regular meeting of May 19,  
23 2021, reviewed Planning Department staff's analysis of the historical significance of 396-398  
24 12th Street set forth in the Landmark Designation Fact Sheet dated May 19, 2021.

1 (4) On February 2, 2021, the Board of Supervisors adopted Resolution No. 041-  
2 21, initiating landmark designation of 396-398 12th Street as a San Francisco Landmark  
3 pursuant to Section 1004.1 of the Planning Code. On February 12, 2021, the Mayor approved  
4 the resolution. Said resolution is on file with the Clerk of the Board of Supervisors in File No.  
5 201400.

6 (5) On May 19, 2021, after holding a public hearing on the proposed  
7 designation and having considered the specialized analyses prepared by Planning  
8 Department staff and the Landmark Designation Fact Sheet, the Historic Preservation  
9 Commission recommended designation of 396-398 12th Street as a landmark consistent with  
10 the standards set forth in Section 1004 of the Planning Code, by Resolution No. 1191. Said  
11 resolution is on file with the Clerk of the Board in File No. 210734.

12 (6) The Board of Supervisors hereby finds that the 396-398 12th Street has a  
13 special character and special historical, architectural, and aesthetic interest and value, and  
14 that its designation as a Landmark will further the purposes of and conform to the standards  
15 set forth in Article 10 of the Planning Code. In doing so, the Board hereby incorporates by  
16 reference the findings of the Landmark Designation Fact Sheet.

17  
18 Section 2. Designation.

19 Pursuant to Section 1004 of the Planning Code, 396-398 12th Street (San Francisco  
20 Eagle Bar), Assessor's Block No. 3522, Lot No. 014, is hereby designated as a San Francisco  
21 Landmark consistent with the standards set forth in Section 1004. Appendix A to Article 10 of  
22 the Planning Code is hereby amended to include this property.

1 Section 3. Required Data.

2 (a) The description, location, and boundary of the Landmark site consists of the City  
3 parcel located at 396-398 12th Street (San Francisco Eagle Bar), Assessor's Block No. 3522,  
4 Lot No. 014, in San Francisco's South of Market neighborhood.

5 (b) The characteristics of the Landmark that justify its designation are described and  
6 shown in the Landmark Designation Fact Sheet and other supporting materials contained in  
7 Planning Department Record Docket No. 2021-001853DES. In brief, 396-398 12th Street is  
8 eligible for local designation as it is associated with events that have made a culturally and  
9 historically significant contribution to the broad patterns of San Francisco history and with  
10 persons significant to San Francisco history. Specifically, designation of the San Francisco  
11 Eagle Bar is proper given association with the South of Market neighborhood's Leather and  
12 LGBTQ communities. The venue, with a 40-year tenure, serves as the longest running South  
13 of Market Leather/LGBTQ bar and has served as a de-facto community center home to a  
14 large variety of events including charitable fundraisers, leather contests, live music and  
15 comedy, political organizing, community activism, art exhibits, and more. Signature events  
16 such as Sunday Beer Busts and the Bare Chest Calendar have collectively raised millions of  
17 dollars for AIDS-related charities, and date back to the 1980s at a time when the Federal  
18 Government resources for AIDS victims was lacking, thus contributing to the San Francisco  
19 model of AIDS care.

20 (c) The particular features that should be preserved, or replaced in-kind as determined  
21 necessary, are those generally shown in photographs and described in the Landmark  
22 Designation Fact Sheet, which can be found in Planning Department Record Docket No.  
23 2021-001853DES, and which are incorporated in this designation by reference as though fully  
24 set forth. Specifically, all those physical and spatial features which define the historic  
25 character of the bar should be preserved or replaced in-kind, including:

1           *Exterior.*

2           (1) Site comprised of building (consisting of the primary bar space within the  
3 gable-roofed portion, indoor stage within the rear flat-roofed portion, and the side bar within  
4 the side flat-roofed portion) with primary elevation at 12th Street and secondary elevation at  
5 Harrison Street, and open side yard allowing for outdoor patio;

6           (2) Single-story massing of building;

7           (3) Secondary elevation (on Harrison Street) clad in channel drop wood siding;

8           (4) Primary elevation (on 12<sup>th</sup> Street) clad in stucco ;

9           (5) Minimal fenestration at visible façades on Harrison Street and 12<sup>th</sup> Street;

10          (6) Roof-form on primary bar space of building, defined by front-facing gable  
11 roof terminating in false front parapet with cartouche detailing;

12          (7) Recessed entryway at 12th Street elevation with segmented arched  
13 opening, solid double doors and glazed transom;

14          (8) Two segmented arched window openings with glazed infill at 12<sup>th</sup> Street  
15 elevation;

16          (9) Solid front property-line fence extending from the building (fronting the  
17 indoor/outdoor bar area) to enclose the patio (12th Street elevation);

18          (10) Large outdoor patio, located at side yard, with enclosed rear bar (3-4  
19 serving stations) and outdoor stage, and tall metal flagpole with Leather flag; and

20          (11) Indoor/outdoor restroom, defined by an original porcelain trough (shared  
21 urinal) attached to exterior wall of main building and opening onto outdoor patio.  
22  
23  
24  
25

1                    *Interior.*

2                    (1) Indoor performance stage with adjacent DJ booth located to the rear of the  
3 primary bar space;

4                    (2) Vaulted wood ceiling at the open-volume interior primary bar space;

5                    (3) Indoor bar, with three serving stations, located within primary bar space;

6                    (4) Indoor/outdoor bar, with two serving stations, located within the side flat-  
7 roofed portion of the building which opens onto the patio, with unique fold-up panels above  
8 bar, which form an awning when open to the patio.  
9

10  
11                    Section 4. Effective Date.

12                    This ordinance shall become effective 30 days after enactment. Enactment occurs  
13 when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not  
14 sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the  
15 Mayor's veto of the ordinance.  
16

17 APPROVED AS TO FORM:  
18 DENNIS J. HERRERA, City Attorney

19 By:                                      /s/                    
20                    ANDREA RUIZ-ESQUIDE  
21                    Deputy City Attorney

22 n:\legana\as2021\1800206\01531649.docx  
23  
24  
25